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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,064	09/16/2003	Zaki A. Khan	E59121.006	2049
44093 7590 01/08/2009 ELEY LAW FIRM CO. 7870 OLENTANGY RIVER RD SUITE 311 COLUMBUS, OH 43235				
EXAMINER				
IDELL, JOSEPH T				
ART UNIT		PAPER NUMBER		
3636				
MAIL DATE		DELIVERY MODE		
01/08/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/663,064

**Applicant(s)**

KHAN ET AL.

**Examiner**

JOSEPH F. EDELL

**Art Unit**

3636

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-15 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-15, and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6, 7, 12, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,257,211 to Willoughby.

Willoughby discloses a foldable seat that includes all the limitations recited in claims 1, 2, 6, 7, 12, and 20. Willoughby shows a seat having a seat cushion (see Fig. 1) with forward, rearward, top, and bottom portions, a forward support leg pivotably 26 coupled to the bottom portion of the seat proximate the forward portion, the forward support leg being movable between a stowed position generally parallel with the bottom portion and substantially within the seat cushion and an extended position generally perpendicular to the seat cushion, and a seatback 2 with upper and lower portions wherein the seat cushion being pivotable about the rearward portion, the lower portion of the seatback is proximate the rearward portion of the seat cushion, the forward support leg automatically folds into the stowed position when the seat cushion is pivoted upward, the forward support leg automatically unfolds into the extended position when the seat cushion is pivoted downwardly, and the seat cushion is upwardly pivotable to a generally vertical position proximate and facially adjacent the seatback.

With respect to claims 6, 7, and 20, the seat is capable of being anchored to a structural portion of a vehicle wherein the seat cushion is releasably retained in either a first generally horizontal position or a second generally vertical position by a latch (protruding edge of hook 80) and the latch may be actuated by a lever (gripping portion of hook 80) to release the latch to allow the seat cushion to be pivoted about the rearward portion.

With respect to claim 12, the seat cushion provides a visual indication when not in a retained condition by virtue of the lever of hook 80 being rotated upwardly away from the latch.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 6, 7, 12, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 1,869,365 to Corduan in view of Willoughby.

Corduan discloses a foldable seat that is basically the same as that recited in claims 1, 2, 6, 7, 12, and 20 except the leg is not specified as being substantially within the seat, as recited in the claims. See Figures 1-3 of Corduan for the teaching that the seat has a seat cushion D with forward, rearward, top, and bottom portions, a forward support leg pivotably E coupled to the bottom portion of the seat proximate the forward

portion, and a seatback A with upper and lower portions wherein the seat cushion being pivotable about the rearward portion, the lower portion of the seatback is proximate the rearward portion of the seat cushion, the forward support leg automatically folds into a stowed position proximate the bottom portion of the seat cushion when the seat cushion is pivoted upward, the forward support leg automatically unfolds into an extended position generally perpendicular to the seat cushion when the seat cushion is pivoted downwardly, and the seat cushion is upwardly pivotable to a generally vertical position proximate and facially adjacent the seatback.

With respect to claims 6, 7, and 20, the seat is capable of being anchored to a structural portion of a vehicle wherein the seat cushion is releasably retained in either a first generally horizontal position or a second generally vertical position by a latch 71,80 and the latch may be actuated by a lever 77 to release the latch to allow the seat cushion to be pivoted about the rearward portion.

With respect to claim 12, the seat cushion provides a visual indication when not in a retained condition by virtue of the lever 77 being rotated upwardly away from the latch.

Willoughby shows a seat similar to that of Corduan wherein the seat has a seat cushion (see Fig. 1) and a leg 26 pivotably coupled to the bottom portion of the seat cushion and movable to a stowed position substantially within the seat cushion. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the seat of Corduan such that the leg is substantially within the seat cushion when in the stowed position, such as the seat disclosed by

Willoughby. One would have been motivated to make such a modification in view of the suggestion in Willoughby that the seat cushion and leg configuration provides a seat that may compactly stowed in a vehicle and in view of the knowledge generally available to one skilled in the art that the leg within the seat cushion when in the stowed position provides a hidden leg not visually or spatially intrusive into the area made available by movement of the leg into the stowed position.

Claims 1, 2, 6, 7, 12, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 1,963,509 to Tinsley.

Tinsley discloses a foldable seat that includes all the limitations recited in claims 1, 2, 6, 7, 12, and 20. Tinsley shows a seat having a seat cushion 6 (see Fig. 3) with forward, rearward, top, and bottom portions, a forward support leg pivotably 17 coupled to the bottom portion of the seat proximate the forward portion, and a seatback 1 with upper and lower portions wherein the seat cushion being pivotable about the rearward portion, the lower portion of the seatback is proximate the rearward portion of the seat cushion, the forward support leg automatically folds into a stowed position proximate the bottom portion of the seat cushion when the seat cushion is pivoted upward, the forward support leg automatically unfolds into an extended position generally perpendicular to the seat cushion when the seat cushion is pivoted downwardly, and the seat cushion is upwardly pivotable to a generally vertical position proximate and facially adjacent the seatback.

With respect to claims 6, 7, and 20, the seat is capable of being anchored to a structural portion of a vehicle wherein the seat cushion is releasably retained in either a

first generally horizontal position or a second generally vertical position by a latch 37 and the latch may be actuated by a lever 39 to release the latch to allow the seat cushion to be pivoted about the rearward portion.

With respect to claim 12, the seat cushion provides a visual indication when not in a retained condition by virtue of the lever 39 being rotated upwardly away from the latch.

Willoughby shows a seat similar to that of Corduan wherein the seat has a seat cushion (see Fig. 1) and a leg 26 pivotably coupled to the bottom portion of the seat cushion and movable to a stowed position substantially within the seat cushion. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the seat of Corduan such that the leg is substantially within the seat cushion when in the stowed position, such as the seat disclosed by Willoughby. One would have been motivated to make such a modification in view of the suggestion in Willoughby that the seat cushion and leg configuration provides a seat that may compactly stowed in a vehicle and in view of the knowledge generally available to one skilled in the art that the leg within the seat cushion when in the stowed position provides a hidden leg not visually or spatially intrusive into the area made available by movement of the leg into the stowed position.

Claims 1, 2, 6, 7, 12, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,088,644 to Erpelding et al. in view of Willoughby.

Erpelding et al. disclose a foldable seat that is basically the same as that recited in claims 1, 2, 6, 7, 12, and 20 except the leg is not specified as being substantially

within the seat, as recited in the claims. See Figures 1-3 of Erpelding et al. for the teaching that the seat has a seat cushion 32 with forward, rearward, top, and bottom portions, a forward support leg pivotably 16 coupled to the bottom portion of the seat proximate the forward portion, and a seatback 12,13 with upper and lower portions wherein the seat cushion being pivotable about the rearward portion, the lower portion of the seatback is proximate the rearward portion of the seat cushion, the forward support leg automatically folds into a stowed position proximate the bottom portion of the seat cushion when the seat cushion is pivoted upward, the forward support leg automatically unfolds into an extended position generally perpendicular to the seat cushion when the seat cushion is pivoted downwardly, and the seat cushion is upwardly pivotable to a generally vertical position proximate and facially adjacent the seatback.

With respect to claims 6, 7, and 20, the seat is capable of being anchored to a structural portion of a vehicle wherein the seat cushion is releasably retained in either a first generally horizontal position or a second generally vertical position by a latch 56 and the latch may be actuated by a lever 53 to release the latch to allow the seat cushion to be pivoted about the rearward portion.

With respect to claim 12, the seat cushion provides a visual indication when not in a retained condition by virtue of the lever 53 being rotated upwardly away from the latch.

Willoughby shows a seat similar to that of Erpelding et al. wherein the seat has a seat cushion (see Fig. 1) and a leg 26 pivotably coupled to the bottom portion of the seat cushion and movable to a stowed position substantially within the seat cushion.



Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the seat of Erpelding et al. such that the leg is substantially within the seat cushion when in the stowed position, such as the seat disclosed by Willoughby. One would have been motivated to make such a modification in view of the suggestion in Willoughby that the seat cushion and leg configuration provides a seat that may compactly stowed in a vehicle and in view of the knowledge generally available to one skilled in the art that the leg within the seat cushion when in the stowed position provides a hidden leg not visually or spatially intrusive into the area made available by movement of the leg into the stowed position.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP Patent No. 61-75028 to Taoka in view of Willoughby.

Taoka discloses a foldable seat that is basically the same as that recited in claim 20 except the leg is not specified as being substantially within the seat, as recited in the claims. See Figures 1 and 2 of Taoka for the teaching that the foldable seat has a seat cushion 5 with forward, rearward, top, and bottom portions, a forward support leg pivotably 8 coupled to the bottom portion of the seat proximate the forward portion, and a seatback 7 with upper and lower portions wherein the seat cushion is releasably retained in either a first generally horizontal position or a second generally vertical position by a latch 23, the latch may be actuated by a lever 22 to release the latch to allow the seat cushion to be pivoted about the rearward portion, the forward support leg adapted to contact the structural portion of the vehicle when the seat cushion is generally horizontal, the lower portion of the seatback is proximate the rearward portion

of the seat cushion, the forward support leg automatically folds into a stowed position proximate the bottom portion of the seat cushion when the seat cushion is pivoted upward, and the forward support leg automatically unfolds into an extended position generally perpendicular to the seat cushion when the seat cushion is pivoted downwardly.

Willoughby shows a seat similar to that of Taoka wherein the seat has a seat cushion (see Fig. 1) and a leg 26 pivotably coupled to the bottom portion of the seat cushion and movable to a stowed position substantially within the seat cushion. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the seat of Taoka such that the leg is substantially within the seat cushion when in the stowed position, such as the seat disclosed by Willoughby. One would have been motivated to make such a modification in view of the suggestion in Willoughby that the seat cushion and leg configuration provides a seat that may compactly stowed in a vehicle and in view of the knowledge generally available to one skilled in the art that the leg within the seat cushion when in the stowed position provides a hidden leg not visually or spatially intrusive into the area made available by movement of the leg into the stowed position.

Claims 1-4, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 155,107 to Richardson in view of U.S. Patent No. 5,826,942 to Sutton et al. and Willoughby.

Richardson discloses a seat that is basically the same as that recited in claims 1-4, 8, and 9 except that the seat lacks a seat cushion, a pivotable seatback, and a

headrest, as recited in the claims. See Figures 1 and 2 of Richardson for the teaching that the seat has a seat member *D* with forward, rearward, top, and bottom portions, a forward support leg pivotably *g* coupled to the bottom portion of the seat proximate the forward portion, and a seatback *B* with upper and lower portions wherein the seat cushion being pivotable about the rearward portion, the lower portion of the seatback is proximate the rearward portion of the seat cushion, the forward support leg automatically folds into a stowed position proximate the bottom portion of the seat cushion when the seat cushion is pivoted upward, the forward support leg automatically unfolds into an extended position generally perpendicular to the seat cushion when the seat cushion is pivoted downwardly, and the seat cushion is upwardly pivotable to a generally vertical position proximate and facially adjacent the seatback.

Balk shows a seat similar to that of Richardson wherein the seat has a seat cushion 12 (see Fig. 1), a seatback 14 releasably retained, a headrest coupled to the upper portion of the seatback, a second latch (see column 3, lines 52-62), and a second lever 62 actuating the second latch such that the seatback is downwardly pivotable to a generally horizontal position proximate and facially adjacent the seat cushion. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the seat of Richardson to include a headrest coupled to the upper portion of the seatback wherein the seat member is a seat cushion, the seatback is releasably retained in at least one position by a second latch and a second lever actuates the second latch when the seatback is to be pivoted, the seatback is downwardly pivotable to a generally horizontal position proximate and facially adjacent

the seat cushion, and the seatback is releasably retained in either a first generally vertical position or a second generally horizontal position, such as the seat disclosed by Balk. One would have been motivated to make such a modification in view of the suggestion in Balk that the lever of the seat cushion's latch and the seatback's latch configuration are well known in the art as a way to releasably retain seatbacks, in view of the knowledge generally available to one skilled in the art that a seat cushion on a seat provides a comfortable sitting surface for a use, and in view of the knowledge generally available to one skilled in the art that headrests coupled to the upper portion of seatbacks provide a rearward support for a user's head.

Willoughby shows a seat similar to that of Richardson wherein the seat has a seat cushion (see Fig. 1) and a leg 26 pivotably coupled to the bottom portion of the seat cushion and movable to a stowed position substantially within the seat cushion. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the seat of Richardson such that the leg is substantially within the seat cushion when in the stowed position, such as the seat disclosed by Willoughby. One would have been motivated to make such a modification in view of the suggestion in Willoughby that the seat cushion and leg configuration provides a seat that may compactly stowed in a vehicle and in view of the knowledge generally available to one skilled in the art that the leg within the seat cushion when in the stowed position provides a hidden leg not visually or spatially intrusive into the area made available by movement of the leg into the stowed position.

Claims 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson in view of Balk and Willoughby as applied to claims 1-4, 8, and 9 above, and further in view of U.S. Patent No. 5,826,942 to Sutton et al.

Richardson, as modified, discloses a seat that is basically the same as that recited in claims 10-15 except that the headrest lacks pivot movement and a third latch, as recited in the claims. Sutton et al. show a seat similar to that of Richardson wherein the seat has a seat cushion 14 (see Fig. 1 ), a seatback 16 pivotable to a horizontal position, a headrest 24 pivotable coupled to the upper portion of the seatback, a latch 88 (see Fig. 3) that may be actuated by lever 90 to releasably retain the headrest in a first extended position or a second stowed position, the headrest is biased to a stowed position via gravity and the spring 92 biasing the latch member 84 against flange 64 upon actuation, and the headrest is linked to the seatback via linkage such that the headrest advances toward a stowed position as the seatback is downwardly pivoted and the headrest advances toward an extended position as the seatback is upwardly pivoted. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the seat of Richardson such that the headrest is releasably retained in at least one position by a third latch, the third latch may be actuated by a third lever to release the third latch allowing the headrest to be pivoted, the headrest is releasably retained in either a first extended position aligned with the seatback or a second stowed position perpendicular to the seatback, the headrest is biased toward the stowed position, and the headrest is linked to the seatback such that the headrest pivotably advances toward a stowed position as the

seatback is downwardly pivoted and the headrest pivotably advances toward an extended position as the seatback is upwardly pivoted wherein a passenger would be deterred from utilizing the seat when the headrest is not in the extended position, and the seatback and headrest provide a visual indication when not in a retained position by virtue of the seatback being horizontally disposed and the headrest being rotated to the stowed position, such as the seat disclosed in Sutton et al. One would have been motivated to make such a modification in view of the suggestion in Sutton et al. that the horizontal seatback provides a stored position, that the headrest configuration provides an independently adjustable headrest that is controllably adjustable between an upright use position and a flat stowed position for facilitating the folding of the seatback, and that the headrest and seatback being linked provides releasing the seatback to move to the stored position upon movement of the headrest's latch.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-4, 6-15, and 20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Joseph F Edell/  
Primary Examiner, Art Unit 3636  
January 8, 2009